

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
----- 023843

R 210155Z APR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 6998

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L USUN 1667

EXDIS

FROM US LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: SOVIET RESPONSE TO AMBASSADOR'S CALL ON GROMYKO

REFS: A) STATE 85109; B) USUN 1493; C) MOSCOW 5681; D) USUN 1184

1. SUMMARY: SOVIETS WILLING TO BACK OFF ORIGINAL QUOTA SYSTEM PROPOSAL IN EXCHANGE FOR US SUPPORT OF THEIR POSITIONS ON DISPUTE SETTLEMENT, COMPOSITION OF THE SEABED AUTHORITY COUNCIL, AND RESISTENCE TO COASTAL STATE TRIAL AND PUNISHMENT FOR VESSEL POLLUTION VIOLATIONS BEYOND TERRITORIAL SEA. HOWEVER, IT APPEARS SOVIETS NOT REPEAT NOT PREPARED TO MEET FULL US OBJECTIVES OF AVOIDING ARBITRARY LIMITATIONS ON ACCESS (PARA 4(H) REF B), AND STILL SEEKING SOME OVERALL ON NUMBER OR PERCENTAGE OF MINE SITES ANYONE STATE MAY HAVE. END SUMMARY.

2. HEAD OF SOVIET DEL, DEPUTY FONMIN KOZYREV, REQUESTED MEETING APRIL 19 WITH AMBASSADOR LEARSON TO DISCUSS STOESSEL-GROMYKO CONVERSATION. AT MEETING WITH AMBASSADOR LEARSON, UNDER SECRETARY MAW, AND OTHER US DEL MEMBERS, KOZYREV READ OFFICIAL SOVIET REPLY (POUCHED), WHICH MISSION HAS INFORMALLY TRANSLATED IN PARA 3 BELOW.

3. BEGIN TEXT.

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(1) IN REGARD TO THE QUESTION OF QUOTAS FOR MINING AREAS OF USEFUL MINERALS OF THE SEABED, WE NOW, AS IS KNOWN BY THE AMERICAN SIDE, PROPOSE - AND CONSIDER THIS A WHOLLY EQUITABLE APPROACH - AS A RIGHT THAT IS EQUAL FOR ALL GOVERNMENTS THE ALLOWANCE OF A LIMITED NUMBER OF AREAS OR CONTRACTS FOR EXPLORATION AND EXPLOITATION OF THE RESOURCES OF THE BEGIN BRACKETS SEA END BRACKET BED.

CONSIDERING THE REQUEST OF THE US GOVERNMENT, WE WOULD BE PREPARED TO STUDY PROPOSALS FOR THE ESTABLISHMENT OF SUCH A PROCEDURE WHICH WOULD PERMIT THE OPPORTUNITY FOR ALLOTING ADDITIONAL SEABED AREAS OR CONTRACTS TO INTERESTED GOVERNMENTS OR PRIVATE COMPANIES ON THE UNDERSTANDING THAT THE AMERICAN SIDE WILL ALSO MEET OUT POSITION HALF-WAY ON QUESTIONS DISCUSSED AT THE CONFERENCE WHICH ARE OF INTEREST TO THE USSR.

(2) IN REGARD TO THE QUESTION OF PROCEDURES FOR THE SETTLEMENT OF DISPUTES, THE SOVIET SIDE, TAKING INTO CONSIDERATION THE US POSITION, WOULD BE ABLE TO AGREE TO THE ESTABLISHMENT OF A SPECIAL TRIBUNAL FOR SETTLEMENT OF DISPUTES ON QUESTIONS OF EXPLORATION AND EXPLOITATION OF RESOURCES OF THE INTERNATIONAL AREA OF THE SEA-BED, AND TO SETTLE DISPUTES ON QUESTIONS OF FISHING, SCIENCE, RESEARCH AND THE FIGHT AGAINST POLLUTION OF THE MARINE ENVIRONMENT, WHICH HAVE NOT BEEN RESOLVED BY MEANS OF DIRECT NEGOTIATIONS, IN AN ARBITRATION FORUM AT THE REQUEST OF ONE OF THE DISPUTING PARTIES. FOR THIS, HOWEVER, THE RIGHT OF GOVERNMENTS MUST BE SPECIFIED IN THE CONVENTION TO MAKE A STATEMENT AT THE TIME OF ITS RATIFICATION EXCLUDING FROM OPERATION ALL OR SOME OF THE PROCEDURES PROVIDED FOR IN THE CONVENTION FOR SETTING DEFINED CATEGORIES OF DISPUTES, AND WE WILL COUNT ON THE SUPPORT OF THE US SIDE ON THIS QUESTION. END TEXT.

4. AFTER READING, KOZYREV ELABORATED ON DISPUTE SETTLEMENT POINT, STRONGLY OPPOSING LOS TRIBUNAL, BUT NOT SEABED TRIBUNAL FOR DEEP SEABEDS DISPUTES. KOZYREV SAID THERE WAS ANOTHER OUTSTANDING QUESTION BETWEEN US REGARDING THE COMPOSITION OF THE COUNCIL
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OF THE SEABED AUTHORITY. FINALLY HE ADDED THE SOVIET DEL DOES NOT UNDERSTAND US POSITION ON COASTAL STATE PROCEEDINGS FOR VESSEL POLLUTION VIOLATIONS IN THE ECONOMIC ZONE, AND REQUESTED THAT OUR COMMITTEE III REPRESENTATIVES MEET. THERE WAS NO REPEAT NO REFERENCE TO STRAITS.

5. QUOTAS. IN COURSE OF DISCUSSION WHICH FOLLOWED,

KOZYREV AGREED THAT THE SOVIETS WERE PREPARED TO DROP QUOTA SYSTEM, AND SAID OUT RESPECTIVE EXPERTS MUST WORK OUT ANOTHER FORMULA FOR THE TREATY. BOTH SIDES AGREED THAT THE BANKING SYSTEM WOULD BE INCLUDED FOR LDC'S. WHEN ASKED IF THE REFERENCE TO ADDITIONAL SITES IN PAPER MEANT ADDITIONAL SITES WITHOUT LIMIT, KOZYREV SAID YES IT WAS POSSIBLE, BUT THE EXPERTS SHOULD DISCUSS DETAILS AND WORK OUT FORMULAS. HE REFERRED TO FRENCH, JAPANESE, AND BRITISH PROPOSALS TO PREVENT MONOPOLIES. HE DID NOT MEAN TO SAY THAT "ONE COUNTRY COULD OBTAIN THE WHOLE OF THE 50PERCENT" OF THE MINE SITES NOT RESERVED TO THE ENTERPRISE AND DEVELOPING COUNTRIES UNDER THE BANKING SYSTEM.

6. DISPUTE SETTLEMENT. WE TRIED TO ASCERTAIN WHETHER SOVIETS WOULD BE PREPARED TO GO BEYOND THE 4 CATEGORIES OF DISPUTES REFERRED TO IN PARA 2 OF THE PAPER AND INCLUDE (SUBJECT TO CERTAIN EXCEPTIONS WE BOTH SUPPORT) ALL DISPUTES ARISING UNDER ALL ARTICLES OF THE CONVENTION. WE INDICATED THAT IN THIS CONTEXT, WE MIGHT NOT HAVE DIFFICULTY IN GOING ALONG WITH SO-CALLED "MONTREAL COMPROMISE" WHICH WOULD PERMIT A STATE TO CHOOSE THE BINDING DISPUTE SETTLEMENT PROCEDURE APPLICABLE TO IT (EG. ICSJ, ARBITRATION OR LOS TRIBUNAL). SOVIETS WERE UNCLEAR IN THEIR RESPONSE, BUT INDICATED SOME FLEXIBILITY ON NAVIGATION DISPUTES. KOZYREV SUGGESTED THAT ROMANOV AND OXMAN DISCUSS THE MATTER FURTHER. AT THE END OF MEETING, ROMANOV SAID PRIVATELY TO OXMAN THAT HE WAS VERY BUSY AND WASN'T SURE PRECISELY WHEN TIME COULD BE FOUND TO MEET.

7. SEABED COUNCIL. KOZYREV DESCRIBED SOVIET VIEW OF COMPOSITION OF COUNCIL, PRESUMING A TOTAL MEMBERSHIP OF 36. CONFIDENTIAL

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THE BREAKDOWN WOULD BE SIX DEVELOPED STATES, SIX DEVELOPING COUNTRIES, FOUR LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, FOUR CONSUMERS, FOUR PRODUCERS, AND TWELVE SEATS FOR GEOGRAPHICAL DISTRIBUTION. HE SAID THE SOCIALIST COUNTRIES WERE SEEKING SIX OUT OF THE 36 SEATS, WHICH THEY WOULD GET UNDER THIS FORMULA. WE SAID WE WERE STILL CONSIDERING THE QUESTION OF COMPOSITION AND VOTING FOR THE COUNCIL, AND WOULD BE BACK TO THEM, HOPEFULLY BY THE END OF THE WEEK.

8 US DEL COMMENT. ON THE SURFACE, THERE APPEARS TO BE LITTLE NEW IN THIS SOVIET RESPONSE, ALTHOUGH THE SCOPE OF THEIR FLEXIBILITY REMAINS TO BE TESTED SINCE KOZYREV CONSISTENTLY RESISTED GETTING INTO DETAILS. SOVIETS HAVE HINTED AT FLEXIBILITY TO SUBSTITUTE AN ANTI-

MONOPOLY CLAUSE FOR THE QUOTA SYSTEM BEFORE (SEE REF D).
THE POSITION ON DISPUTE SETTLEMENT IS ESSENTIALLY AS
STATED BEFORE PROVATELY AND PUBLICLY.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, SEABED, NEGOTIATIONS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 21 APR 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN01667
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760150-0311
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760436/aaaabepu.tel
Line Count: 173
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: 76 STATE 85109, 76 MOSCOW 5681
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAY 2004 by CollinP0>; APPROVED <02 SEP 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: SOVIET RESPONSE TO AMBASSADOR'S CALL ON GROMYKO
TAGS: PLOS, UR, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006